

# **TOWN OF DAVIE**

## **TOWN COUNCIL AGENDA REPORT**

**TO:** Mayor and Councilmembers

**FROM/PHONE:** Mark Kutney, AICP, Development Services Director/(954) 797-1101  
Prepared by Todd Vargo, Planner I

**SUBJECT:** Resolution  
DG 10-2-02 Boggs Country Acres Plat, 4150 SW 76 Circle/Generally located on the east side of SW 76 Avenue, north of Griffin Road.

**AFFECTED DISTRICT:** District 2

### **TITLE OF AGENDA ITEM:**

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "BOGGS COUNTRY ACRES PLAT", AND PROVIDING AN EFFECTIVE DATE.

**REPORT IN BRIEF:** Petitioner is requesting to amend the restrictive note on the "Boggs Country Acres Plat" from "this plat is restricted to 6 detached single family units and Lot 4 is restricted to a private recreation facility" to "this plat is restricted to 9 detached single family units and Lot 4B is restricted to a private recreation facility"

Staff finds that the proposed amendment is consistent with the existing and proposed use of the subject site.

**PREVIOUS ACTIONS:** None

**CONCURRENCES:** None

**FISCAL IMPACT:** None

**RECOMMENDATION:** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

**Attachments:** Resolution, Planning Report, Plat, Existing Future Land Use Map, Subject Site and Aerial Map

RESOLUTION \_\_\_\_\_

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING A REVISION TO THE RESTRICTIVE NOTE OF THE "BOGGS COUNTRY ACRES PLAT", AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the subject plat known as the Boggs Country Acres Plat (PB 152, PG 23) was recorded by Broward County on October 21, 1992; and

WHEREAS, the owners desire to revise the restrictive note associated with said plat; and

WHEREAS, Broward County requires that the Town of Davie concur with this revision prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve of the proposed revision to the restrictive note shown on the Boggs Country Acres Plat. The proposed revision being specifically described on the planning report attached hereto as Exhibit "A".

SECTION 2. This resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

\_\_\_\_\_  
MAYOR/COUNCILMEMBER

ATTEST:

\_\_\_\_\_  
TOWN CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2002.

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**TOWN OF DAVIE**  
**Development Services Department**  
**Planning & Zoning Division Staff**  
**Report and Recommendation**

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**APPLICANT INFORMATION**

<b><u>Owner:</u></b>		<b><u>Agent:</u></b>	
<b>Name:</b>	Lester C. Boggs	<b>Name:</b>	Miller Legg and Associates
<b>Address:</b>	2057 Taft Street	<b>Address:</b>	1800 North Douglas Road
<b>City:</b>	Hollywood, FL 33020	<b>City:</b>	Pembroke Pines, FL 33024
<b>Phone:</b>	(954) 923-3440	<b>Phone:</b>	(954) 436-7000

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**BACKGROUND INFORMATION**

**Application History:** No deferrals have been requested.

**Application Request:** Petitioner is requesting to amend the current plat note restriction on the "Boggs Country Acres Plat" from "This plat is restricted to 6 detached single family units and Lot 4 is restricted to a private recreational facility" to "This plat is restricted to 9 detached single family units and Lot 4B is restricted to a private recreational facility."

**Address/Location:** 4150 SW 76 Circle/Generally located on the east side of SW 76 Avenue north of Griffin Road.

**Future Land Use Plan Designation:** Residential 1 DU/Acre

**Zoning:** A-1, Agricultural District

**Existing Use:** Residential/Vacant

**Proposed Use:** Residential

**Parcel Size:** 14.76 acres (642,945.6 square feet)

	<b><u>Surrounding Uses:</u></b>
<b>North:</b>	Residential
<b>South:</b>	Residential
<b>East:</b>	Residential
<b>West:</b>	Residential

**Surrounding Land**  
**Use Plan Designation:**  
Residential 1 DU/Acre  
Residential 3 DU/Acre  
Residential 10 DU/Acre  
Regional Activity Center

**Surrounding Zoning:**

**North:** A-1, Agricultural District

**South:** R-3, Low Density Dwelling District

**East:** PRD-6.6, Planned Residential Development District (6.6 DU/Acre)

**West:** A-1, Agricultural District

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**ZONING HISTORY**

**Related Zoning History:** None.

**Previous Request on same property:** The subject plat was recorded by Broward County on October 21, 1992, Plat Book 152, Page 23 of the Broward County records.

The site plan for Boggs Country Acres was approved by Town Council on March 3, 1993.

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**APPLICATION DETAILS**

Petitioner is requesting to amend the restrictive note on the “Boggs Country Acres Plat” to reflect the proposed use of the property.

The current plat restriction is 6 detached single family units and Lot 4 a private recreational facility.

The proposed plat restriction is 9 detached single family units and Lot 4B as a private recreational facility.

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**Applicable Codes and Ordinances**

The effective code of ordinances governing this project is the Town of Davie Land Development Code.

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**Significant Development Review Agency Comments**

Broward County Development Management Division is the County lead agency in assessing the impact of development through the plat and/or delegation request process. Broward County requires that the petitioner request to amend or revise the level of approved development on the plat. Such requests must be approved by the local municipality and County Commission, and then subsequently recorded against the plat. As part of the delegation request process, the property would be reviewed for traffic concurrency and assessed any additional traffic impact fees, or mitigation measures, as applicable.

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**Comprehensive Plan Considerations**

**Planning Area:** The subject property falls within Planning Area 8. This Planning Area is the heart of Davie and is the most diverse, characterized by older, small-scale commercial development, older single-family residential neighborhoods, and newer, large-scale multi-family residential developments that serve the rapidly growing South Florida Education

Center (SFEC). It is bounded on the north by Nova Drive, south by Orange Drive, east by Florida's Turnpike, and west by University Drive. The planning area encompasses the downtown Davie Business District, where western theme architecture is required, the Davie Town Hall and Rodeo Arena, two large mobile home communities, and industrial land.

**Broward County Land Use Plan:** The subject site falls within Flexibility Zone 99. Approval of the delegation request shall be subject to sufficient capacity of the regional road network as determined by Broward County. In the event that sufficient capacity is not met, the delegation request shall be deemed denied by the Town of Davie.

**Broward County Land Development Code:** The Broward County Land Development Code requires that any changes or waivers to requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

**Applicable Goals, Objectives & Policies:** The proposed change is generally consistent with the goals, objectives and policies of the Comprehensive Plan.

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#### **Staff Analysis/Findings of Fact**

The subject site was originally platted and partially developed as houses for members of the Boggs family. The family is now prepared to develop the site to the maximum density the acreage will permit, and to sell off the remaining three lots. The private recreation facility located on Lot 4B will be a pool and cabana facility.

Staff finds the delegation request is consistent with the A-1, Agricultural District permitted uses, and is subject to sufficient capacity of the regional road network as determined by Broward County. In the event sufficient capacity is not met, the delegation request shall be deemed denied by the Town of Davie.

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#### **Staff Recommendation**

**Recommendation:** Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

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#### **Exhibits**

1. Justification letter
2. Plat
3. Existing Future Land Use Map
4. Subject Site and Aerial Map

Prepared by: \_\_\_\_\_

Reviewed by: \_\_\_\_\_



October 15, 2002

Ms. Debbie Ross  
Town of Davie  
6591 Orange Drive  
Davie, Florida 33314-3399

RE: Boggs Country Acres  
Delegation Request – Amend the Plat Restricting Note  
MLA Project No. 113971

Dear Debbie:

In accordance with our pre-application meeting last week regarding the above referenced Delegation Request, enclosed is the application package for your review. As discussed a Delegation Request to amend the note on the "Boggs Country Acres" plat was submitted and approved by Town Council on June 6<sup>th</sup>, 2001. Due to issues with the Broward County Health Department concerning the proposed lot sizes and the ability and or requirement to hook up to an existing sanitary sewer line, the application to amend the note was withdrawn from the County. Since that time we were able to put together a revised lot configuration which provide all proposed lots to include a minimum of 43,560 square feet. Please be advised that we obtained a letter from Jay M. Morgenstern, Environmental Supervisor for Broward County stating that mandatory sewer connection does not apply provided that all lots meet the minimum area of 43,560 square feet. A copy of which is enclosed herewith.

The existing plat note for "Boggs Country Acres" is as follows:

This plat is restricted to six detached single family units and Lot 4 is restricted to a private recreational facility.

We are requesting to amend the plat note to:

This plat is restricted to nine detached single family units and a portion of Lot 4 being restricted to a private recreational facility.

It is our intent to divide the current Lot 4 into three (3) individual lots. Two (2) of the lots will be restricted to single family lots and the remaining lot will be utilized as a recreational lot. The revised lot configuration provides for the existing recreational parcel to maintain the minimum set back requirements as stipulated in the Town of Davie's Land Development Code. A copy of the existing survey showing provided setbacks is included herewith.

Broward County requires a letter from the Town of Davie, waiving any objection to this request.

Please prepare this letter at your earliest convenience and call me when it is ready to be picked up. Thank you for your considerations in this matter. If you have questions, or require any additional information, please call me at (954) 436-7000.

Sincerely,

A handwritten signature in black ink, appearing to read "Gladys A. DiGirolamo". The signature is fluid and cursive, with the first name "Gladys" being more prominent.

Gladys A. DiGirolamo  
Project Manager

GAD/tf

Encl.

cc: Lester Boggs

Neil Kalis

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# BOGGS COUNTRY ACRES

A REPLAT OF TRACT 22 AND THE SOUTH HALF OF TRACT 21 OF FARRAR LAND SALES COMPANY'S SUBDIVISION IN SECTION 27, TOWNSHIP 20 SOUTH, RANGE 41 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLATBOOK 2, PAGE 24, OF DUKE COUNTY, ALABAMA, SAID LANDS LING AND BEING IN THE TOWN OF DANE, BROWARD COUNTY, FLORIDA.

## BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES

REPARATION COUNTY RECORDS DIVISION - RECORDS SECTION  
This plat was filed by me, County Clerk, on the 19th day of December, 1992, A.D., and recorded in Plat Book 159, Page 23, of the Public Records of Broward County, Florida.

LEAD DESCRIPTION  
Tract 22 and the South Half of Tract 21 of Farrar Land Sales Company's Subdivision in Section 27, Township 20 South, Range 41 East, Broward County, Florida, as shown on the plat thereof recorded in Plat Book 2, Page 24, of the Public Records of Broward County, Florida, containing 143.6 acres more or less.



JOHN COOK  
This is to certify that this plat has been approved and accepted by the Town Council of Broward County, Florida, by resolution adopted on the 18th day of December, 1992.

## BROWARD COUNTY FINANCE AND ADMINISTRATIVE SERVICES

REPARATION COUNTY RECORDS DIVISION - RECORDS SECTION  
This is to certify that this plat was filed by me, County Clerk, on the 19th day of December, 1992, A.D., and recorded in Plat Book 159, Page 23, of the Public Records of Broward County, Florida.

JOHN COOK  
This is to certify that this plat has been approved and accepted by the Town Council of Broward County, Florida, by resolution adopted on the 18th day of December, 1992.

By: [Signature] County Clerk  
Attest: [Signature] County Administrator

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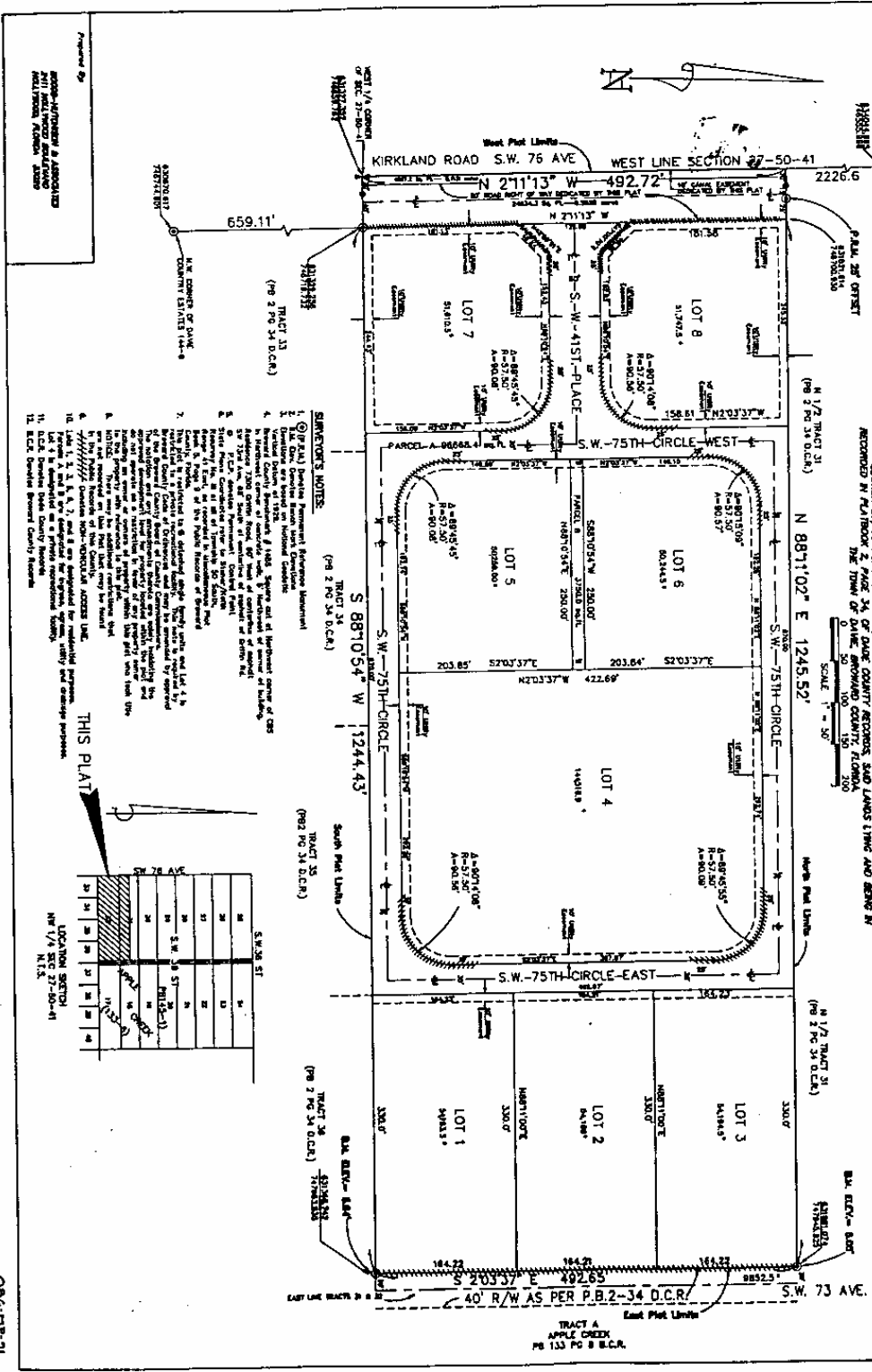
Prepared By	County Clerk	County Administrator	County Planner	County Engineer	County Surveyor
BOGGS COUNTRY ACRES 2411 WILLOW ROAD MILWAUKEE, WISCONSIN 53209					



# BOGGS COUNTRY ACRES

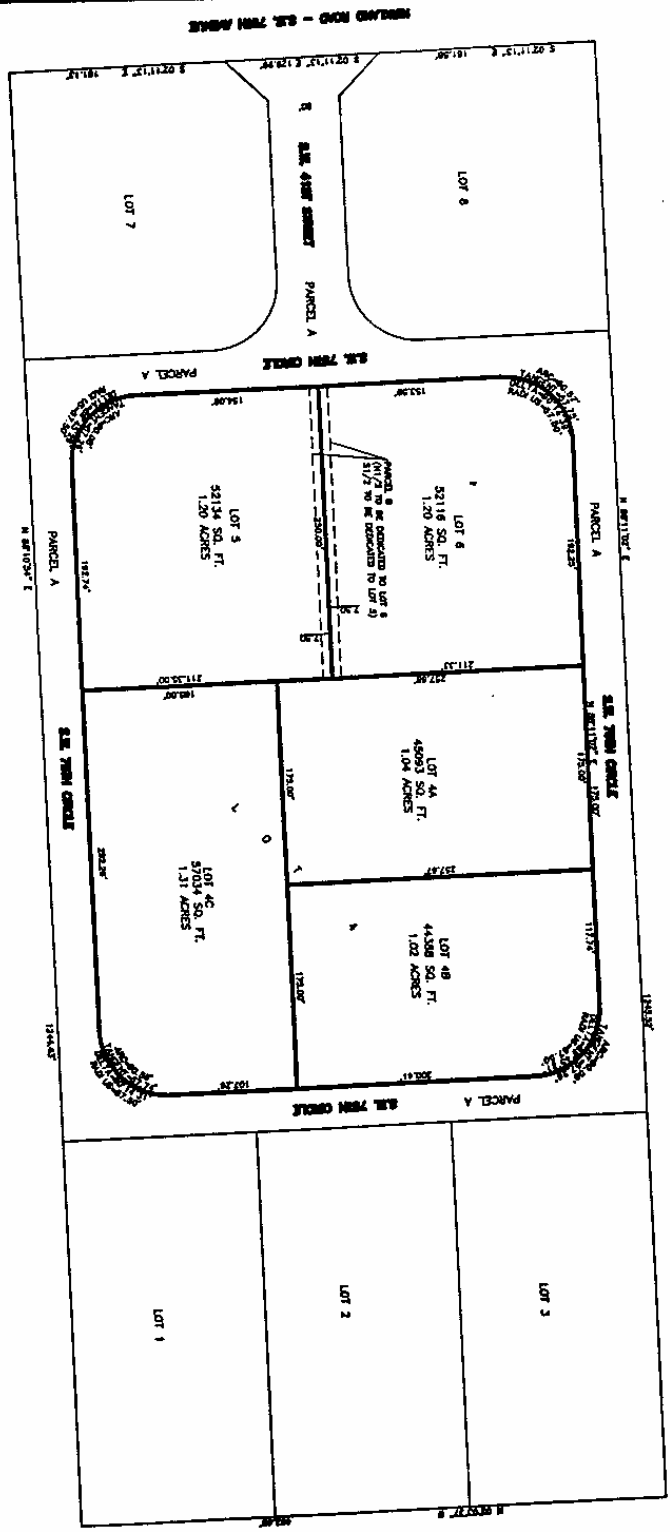
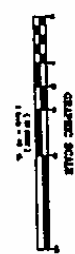
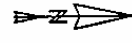
A REPLAT OF TRACT 23 AND THE SOUTH HALF OF TRACT 31 OF ENEADLAND LAND SALES COMPANY'S SUBDIVISION IN SECTION 27, TOWNSHIP 20 SOUTH, RANGE 41 EAST, ACCORDING TO THE PLAT THEREOF RECORDED IN PLATBOOK 2, PAGE 24, OF DADE COUNTY RECORDS, SAID LANDS BEING IN THE TOWN OF DADE, 50TH COUNCIL DISTRICT, COUNTY OF DADE, FLORIDA.

SCALE 1" = 50'

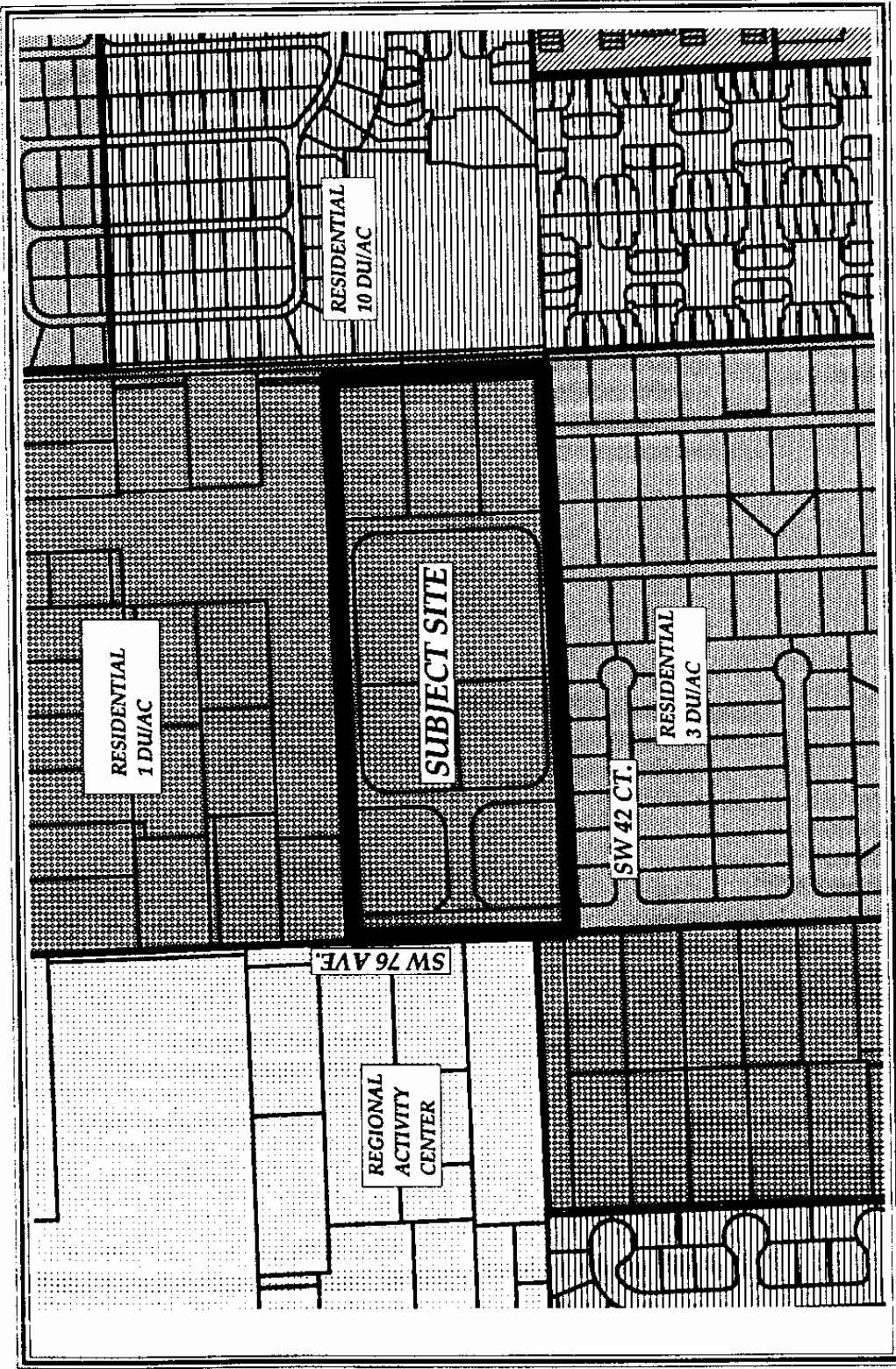


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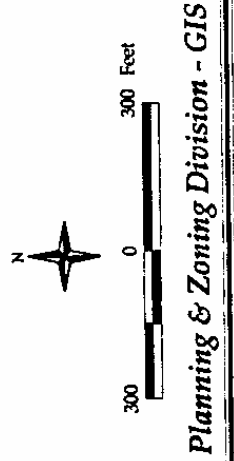
# **BOGGS COUNTRY ACRES** (PROPOSED LOT REVISIONS)

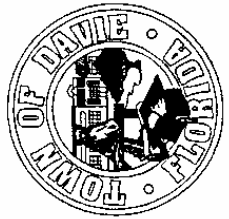
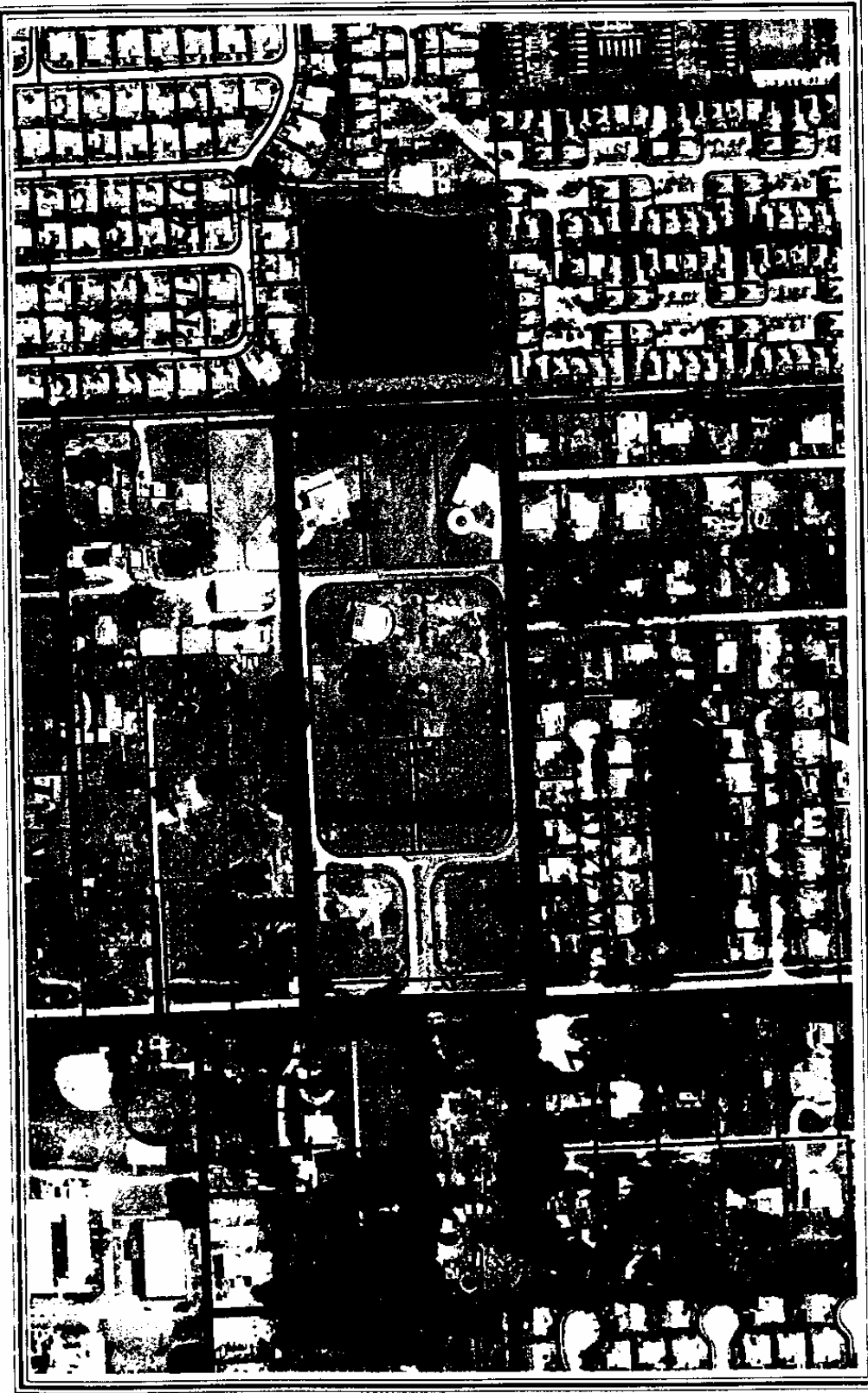


NOTES ONLY - NOT A GUARANTEE



Delegation Request  
DG 10-2-02  
Existing Future Land Use Map





Delegation Request  
DG 10-2-02  
Subject Site and Aerial Map  
Date Flown: 12/31/01



Planning & Zoning Division - GIS